

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DAVID COX,

Plaintiff,

v.

Civil Action No.05 -cv-11608

RYAN MARINI, SEAN BORDWELL,
AND ANDREW KIRIAKOS

Defendants.

PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT

The Plaintiff, David Cox, ("Plaintiff Cox"), hereby moves, pursuant to Fed. R. Civ. P. 55(b)(1) that this Honorable Court enter default judgment against Defendant Andrew Kiriakos ("Defendant Kiriakos") for failure to plead or otherwise defend in this action. As grounds for this request, Plaintiff Cox states the following:

1. This court entered default against Defendant Kiriakos on April 10, 2008;
2. Defendant Kiriakos has not moved to remove the entry of default;
3. Defendant Kiriakos has failed to plead or otherwise defend in this action; and
4. Upon information and belief, Defendant Kiriakos is not an infant, incompetent person or an active member of the armed services.

WHEREFORE, Plaintiff Cox, requests that the Court, enter default judgment against Defendant Andrew Kiriakos.

DAVID COX,

By his attorneys,

HOLLAND & KNIGHT LLP

/s/ Damon P. Hart

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Dated: May 12, 2008.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 12, 2008.

/s/ Damon P. Hart

Damon P. Hart